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December 10, 2014

Via ECF (S.D.N.Y. and C.D. Cal.) and Email (D. Kan.)

The Honorable Denise L. Cote
United States District Court for the Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, NY 10007

The Honorable John W. Lungstrum
The Honorable James P. O'Hara
United States District Court for the District of Kansas
500 State Avenue, Suite 517
Kansas City, KS 66101

The Honorable George H. Wu
United States District Court for the Central District of California
312 North Spring Street
Los Angeles, CA 90012-4701

Re: *NCUA v. Morgan Stanley & Co.*, No. 13-6705 (S.D.N.Y.) and related actions

Dear Judges Cote, Lungstrum, Wu, and O'Hara:

NCUA respectfully submits this letter pursuant to the Courts' December 1, 2014 order (ECF No. 226).¹ That order directed NCUA to "advise our Courts by December 10, 2014, whether ResCap has made a commitment to NCUA to produce all of the requested loan files on a rolling basis, with the final production occurring no later than January 30, 2015."

NCUA promptly conferred with ResCap regarding this Order. ResCap has advised NCUA that it has located nearly all of the outstanding requested loan files (approximately 1,276 of 1,383), and expects to produce these files by January 30, 2015. ResCap has been unable to locate the remaining files because the servicer loan number provided by NCUA did not match any files in ResCap's records. ResCap is attempting to locate 88 of the missing loan files using other identifying information provided by NCUA, and it expects that it will be able to locate

¹ ECF references are to *NCUA v. Morgan Stanley & Co.*, No. 13-6705 (S.D.N.Y.).

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many of them. NCUA and ResCap will continue to confer regarding the missing loan files with the goal that they will be located, if at all possible, and produced by January 30, 2015.

NCUA will continue to update the Courts regarding ResCap's production of loan files in its monthly reports pursuant to the Loan File Reunderwriting Protocol. If NCUA encounters any other issues involving ResCap, it will raise them with the Courts promptly.

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Respectfully submitted,

/s/ David C. Frederick

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cc: Counsel of Record (via ECF or email)
Counsel for ResCap (via Email)